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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,437	02/13/2004	Douglas M. Carson	OKC00086.1	8767

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EXAMINER

HEYI, HENOK G

ART UNIT	PAPER NUMBER
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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/779,437	Applicant(s) CARSON, DOUGLAS M.	
	Examiner Henok G. Heyi	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-15, 23, 24 and 28-31 is/are allowed.
- 6) ☒ Claim(s) 1-7, 16-22 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the apparatus of claim 21 comprising a stamper, a second stamper, a multi-layer optical disc with details as claimed and the first and second stampers configured for use concurrently and the optical disc of claim 9 including identifier tag that comprises at least portion of the TOC** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification fails to provide antecedent basis for the following claim limitations:

Regarding claim 1, “a first layer of the disc having a content different from a content of the second layer.”

Regarding claim 16, “a different second portion of the contents of the disc.”

Regarding claim 21, “the first and second stampers are further configured to be used **concurrently** to the respective first and second layers of the disc...”.

Regarding claim 22, “the pits and lands of the non-first layer define sectors over a first range of sector addresses for the disc...”.

Regarding claim 25, “wherein the first set of data comprises a first file, and the second set of data comprises a second file not located on the first layer.

Regarding claim 26, “the disc is continuously rotated in accordance with selected velocity profile and, during said continuous rotation, the first and second layers are sequentially read to recover the contents of the disc”.

Applicant indicated there is a support for this amendment in Fig. 2 and in the specification at page 5, lines 19-26. However, after careful examination, examiner didn't find any support for the amended feature neither in Fig. 2 nor in the specification.

3. Claim 1, 16, 21, 22, 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original specification fails to provide support for the following claim limitations:

Regarding claim 1, “a first layer of the disc having a content different from a content of the second layer.”

Regarding claim 16, “a different second portion of the contents of the disc.”

Regarding claim 21, “the first and second stampers are further configured to be used concurrently...”

Regarding claim 22, “the pits and lands of the non-first layer define sectors over a first range of sector addresses for the disc...”

Regarding claim 25, “wherein the first set of data comprises a first file, and the second set of data comprises a second file not located on the first layer”.

Regarding claim 26, “the disc is continuously rotated in accordance with selected velocity profile and, during said continuous rotation, the first and second layers are sequentially read to recover the contents of the disc”.

Applicant indicated there is a support for this amendment in Fig. 2 and in the specification at page 5, lines 19-26. However, after careful examination, examiner didn't find any support for the amended feature neither in Fig. 2 nor in the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-7 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 2 and lines 3-4, the phrase “a non-first layer in a multi-layer optical disc” and “a second stamper configured to form pits and lands...” are indirect limitations that are vague and indefinite because it is not clear if applicant means to claim the disc and the second stamper parts of the apparatus. Further, if the second stamper is not meant to be a part of the apparatus, the limitation “including an identifier tag which identifies the stamper as corresponding to a second stamper configured to form pits and lands in a first layer of the disc having a content different from a content of the second layer” is not understandable as what is meant to claim. Line 5, the limitation “having a content different from a content of the second layer” is not clear how the content said being different as claimed since the second stamper is configured to work on the first layer.

Regarding claim 5, “the stamper” on line 2 is unclear whether the claim refers to the first or the second stamper.

Regarding claim 6, applicant claims an article formed by a stamper of claim 1. Claim 1 appears to claim first and second stampers; therefore it is unclear which stamper claim 6 means to recite.

Dependent claims 2-4, 7 and 21-22 are rejected because they include the language of the rejected claims they are dependent from.

Allowable Subject Matter

1. Claims 8-15, 23-24 and 28-31 allowed.

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2. The following is a statement of reasons for the indication of allowable subject matter:

3. The prior art of record considered alone or in combination failed to teach or suggest:

Regarding claim 8, a multi-layer optical disc, comprising: a first layer stores a first set of user data and a table of contents (TOC) for the disc; and a second layer aligned adjacent the first layer which stores a second set of user data and an identifier tag which identifies the second layer as corresponding to the first layer.

Regarding claim 28, an apparatus comprising: a first stamper configured to form pits and lands in a first layer of a multi-layer optical disc; and a second stamper configured to form pits and lands in a second layer of the disc, the second layer comprising an identifier tag which identifies the second stamper as corresponding to the first stamper, the identifier tag comprising a reference value associated with the contents of the disc.

4. Claims 1 and 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st or 2nd paragraphs, set forth in this Office action.

5. Claims 2-7, 17-22 and 25-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st or 2nd paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henok G. Heyi whose telephone number is (571) 270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HGH


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11/2/07